

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
SARAH H. BLACK, DANIEL L. BLACK and  
JACOB L. BLACK,

Plaintiffs,

- against -

ANTHONY DAIN, CHERIE WRIGLEY, IRA SALZMAN,  
LISA DIPONIO, GAYLE YOUNG, PAMELA KERR,  
MELISSA COHENSON, BRIAN A. RAPHAN, P.C., ESAUN  
G. PINTO, and CPI INVESTIGATIONS,

Defendants.  
-----X

Docket No: 16 CV 1238

Hon. Carol Bagley Amon

KENNETH R. MORGILLO declares under penalties of perjury:

1. I am associated with the law firm of MILBER MAKRIS PLOUSADIS & SEIDEN, LLP, attorneys for Defendant PAMELA KERR.
2. I submit this Declaration in opposition to Plaintiffs' motion for reconsideration of the Court's December 28, 2016 Decision (hereinafter the "Decision"), dismissing Plaintiffs' claims against PAMELA KERR, pursuant to Fed. R. Civ. P. Rule 12(b)(2).
3. Annexed hereto as **Exhibit "A"** is a true and accurate copy of the Court's December 19, 2016 oral argument transcript.
4. Annexed hereto as **Exhibit "B"** is a copy of the decision dated December 28, 2016 which granted Kerr's motion.
5. Thereafter Plaintiff moved for reconsideration of the decision granting Kerr's motion. The motion was held in abeyance pending a decision on the motions of all other defendants pursuant to the Court's Order dated January 26, 2017 (no document was attached on the ECF system).

6. By Order dated August 16, 2017, the Court decided all motions to dismiss by the remaining defendants. *See, Exhibit "C."*

7. Plaintiff subsequently requested that Kerr respond to Plaintiff's motion for reconsideration. The parties agreed that the opposition would be filed by October 31, 2017, and on October 19, 2017, the Court Ordered Kerr to file her opposition brief by October 31, 2017 (no document was attached).

8. For the reasons set forth in the accompanying Memorandum of Law submitted herewith, PAMELA KERR respectfully requests that Plaintiffs' motion be denied in its entirety.

**I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.**

Dated: Woodbury, New York  
October 30, 2017

MILBER MAKRIS PLOUSADIS  
& SEIDEN, LLP

By: 

Kenneth R. Morgillo  
Attorneys for Defendant  
PAMELA KERR  
1000 Woodbury Road, Suite 402  
Woodbury, New York 11797  
Tel: (516) 712-4000  
Fax (516) 712-4013  
[kmorgillo@milbermakris.com](mailto:kmorgillo@milbermakris.com)  
File No.: 446-12502